IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7537 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUHASINIBEN ALBERT CHRISTIAN

Versus

AMC

Appearance:

1. Special Civil Application No. 7537 of 1999

Mr. Dipak R. Dave for MR AD OZA for Petitioner No. 1

MR HS MUNSHAW for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 04/11/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Dave for Mr. Oza for the petitioner and Mr. H.S. Munshaw for the respondent

Corporation. In this petition, the petitioner has challenged the order dated 17th September, 1999 wherein the petitioner has been transferred to Sanskar Kendra as Superintendent. Initially, on 29.9.1999,while issuing notice to the respondents, this court has stayed operation of the order dated 17.9.1999 and thereafter, on 21.2.2000, while issuing rule in this matter, this court has confirmed the ad.interim relief granted earlier. Therefore, the order dated 17.9.1999 transferring the petitioner to Sanskar Kendra from Bal Bhavan has not been implemented and executed till this date.

The facts of the present petition are to the effect that the petitioner was appointed as lady superintendent, Bal Bhavan Ahmedabad Municipal Corporation on 26.7.1984. On 17.8.1985, she was confirmed on the said post. On 30.4.1996, she was transferred from Bal Bhavan to Sanskar Kendra as Superintendent. On 8.9.1999, she was again transferred from Sanskar Kendra to Bal Bhavan as Lady Superintendent. On 17.9.1999, within a span of only nine days, the petitioner was again transferred in the Sanskar Kendra from Bal Bhavan which order is under challenge in this petition. The petitioner has made allegations against the then Mayor of the Ahmedabad Municipal Corporation Smt. Bhavnaben Dave that for the reasons best known to the respondent or at the instance of Smt. Bhavnaben Dave, she has been transferred from Bal Bhavan to Sanskar Kendra. However, in view of the ad.interim relief granted initially which has continued till this date as stated earlier, said order dated 17.9.1999 transferring the petitioner from Bal Bhavan to Sanskar Kendra has not been executed and implemented by the Corporation and the petitioner is still working in the Bal Bhavan.

Affidavit in reply has been filed by the respondent Corporation and the rejoinder thereto has also been filed by the petitioner. Now, more than four years have passed and because of the operation of the interim relief granted by this court, the order dated 17.9.1999 has remained unexecuted. Further, considering the fact that now the Mayor of the Corporation has also been changed and Bhavnaben Dave is not the Mayor of the Corporation. In view of that, allegations made by the petitioner against the then Mayor of the Corporation also would not assume much importance. However, in case of necessity or exigency, it will be open for the corporation to consider the case of the petitioner for transfer in accordance with the rules and regulations of the Corporation. With these observations and directions, this petition is disposed of. Rule is discharged. Interim

relief granted earlier shall stand vacated. There shall be no order as to costs.

Dt. 4.11.2003. (H.K. Rathod,J.)
Vyas